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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,620	<b>Applicant(s)</b> SUN ET AL.	
	<b>Examiner</b> HEMANT PATEL	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's submission filed on August 28, 2008 in response to Office Action dated April 28, 2008 has been entered. Claims 1-11, 13-15 are pending in this application.

### ***Response to Amendment***

2. Applicant's arguments with respect to claims 1-11, 13-15 have been considered but are moot in view of the new ground(s) of rejection. The rejections are necessitated due to claim amendments and addition of new claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification page 4, first full paragraph indicated as support for limitation "determining that the attempted call cannot be routed beyond the switching center" in independent claims 1 and 11, and for limitation "routing the call beyond the switching center" in dependent claim 4, describes detecting and

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determining in general for PSTN (which includes multiple switches specification page 18 lines10-11) and not any specific switching center.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites “h) displaying the message in Internet-capable devices of the callee, or of persons on the list of designated telephone lines, wherein the message through the Internet is the only message received by the callee or the persons on the list of designated telephone lines” (emphasis added). It is not clear if the callee or the persons on the list of designated telephone lines in the system receive only this message and do not receive any more message **or** they do not receive any more message for the particular call.

7. Claims 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 14 recites “wherein the detection point indicates that the telephone user disconnected the telephone before the public switched telephone network is able to complete any call” (emphasis added). It is not clear if this any call is meant to be any (including any other) call in the system or something else.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Creamer (US patent No. 6,343,119 B1).

***Regarding claim 1***, Creamer teaches of a method of providing communication between a telephone caller and a callee of the telephone call, comprising:

linking a switched telephone network with an internet network via a telephone network/internet domain network interface (col. 8 ll. 57-65);

receiving an attempted call at a switching center within the switched telephone network (col. 12 ll. 50-65);

determining that the attempted call cannot be routed beyond the switching center (col. 13 ll. 26-29 callee online and hence can not route call from switching center to callee);

having the switched telephone network inform the telephone network/internet domain network interface to provide a message reporting details of the attempted call to the callee via the internet network (col. 13 ll. 44-49 providing indication via web, col. 9 ll. 14-25 through server 40 linking PSTN and Internet Fig. 3, also col. 10 ll. 5-18 unconditional messaging, col. 15 ll. 6-16 providing details) (col. 7 ll. 1-col. 10 ll. 20, col. 11 ll. 57-col. 13 ll. 49).

**Regarding claim 2**, Creamer teaches of the method, wherein the switched telephone network is a public switched telephone network (col. 8 ll. 32-65).

**Regarding claim 3**, Creamer teaches of the method, wherein the internet network is the public Internet (col. 8 ll. 59-65).

**Regarding claim 6**, Creamer teaches of the method, wherein the callee informs at least **one of** the public switched telephone network *or the Internet domain network interface* to provide the message to the callee in real time via an Internet protocol when the attempted call is intended for the telephone number of the callee (col. 9 ll. 10-col. 10 ll. 18).

**Regarding claim 7**, Creamer teaches of the method, wherein the message details at least **one of** the telephone number trying to reach the callee (destination identifier), *the caller identification of the telephone number trying to reach the callee (origins of calls)*, and the time of the attempted call (col. 15 ll. 6-16).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-4, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb (US Patent No. 6,747,970 B1), and further in view of Creamer.

***Regarding claim 1***, Lamb teaches of a method of providing communication between a telephone caller and a callee of the telephone call, comprising:

linking a switched telephone network with an internet network via a telephone network/internet domain network interface (Figs. 3-4 items 205-1, 202-203, 205-2);

receiving an attempted call at a switching center within the switched telephone network (col. 33 ll. 58-col. 34 ll. 13 phone switch receives the call from the caller with destination identifier);

having the switched telephone network inform the telephone network/internet domain network interface (col. 34 ll. 4-13 message to telecommunication hosting server 203) to provide a message reporting details of the attempted call to the callee via the internet network (Figs 3-4; col. 34 ll. 13-23 to provide a message that reports details of the attempted call to the callee via the internet network col. 27 ll. 18-20 IP-based connectionless network interface to Internet 200 to a user agent col. 34 ll. 24-col. 35 ll. 40; col. 51 ll. 11-41 sending Instant Message to the callee) (Figs. 3-5, 7-8, 11-12 and their descriptions).

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Lamb teaches of detecting the status of the callee by the phone switch (col. 33 ll. 33-37) but Lamb does not teach in detail about determining that the call can not be routed beyond the switch.

However, in the same field of communication, Creamer teaches of determining that the attempted call cannot be routed beyond the switching center (col. 13 ll. 26-29 callee online and hence can not route call from switching center to callee); and having the switched telephone network inform the telephone network/internet domain network interface to provide a message reporting details of the attempted call to the callee via the internet network (col. 13 ll. 44-49 providing indication via web, col. 9 ll. 14-25 through server 40 linking PSTN and Internet Fig. 3, also col. 10 ll. 5-18 unconditional messaging, col. 15 ll. 6-16 providing details) (col. 7 ll. 1-col. 10 ll. 20, col. 11 ll. 50-col. 13 ll. 49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lamb to determine that the attempted call cannot be routed beyond the switching center and having the switched telephone network inform the telephone network/internet domain network interface to provide a message reporting details of the attempted call to the callee via the internet network as taught by Creamer in order "to provide telephone services in a non-standard context" (Creamer, col. 3 ll. 22) and "to make a computer user linked to a data network such as the web, through a home or office telephone line used for standard telephony, instantly aware of telephone call activity being directed to that line" (Creamer, col. 3 ll. 34-38).



**Regarding claim 2**, Lamb teaches of the method, wherein the switched telephone network is a public switched telephone network (Fig. 3 item 101).

**Regarding claim 3**, Lamb teaches of the method, wherein the internet network is the public Internet (Fig. 3 item 200).

**Regarding claim 4**, Lamb teaches of the method, wherein the public switched telephone network informs the telephone network/internet domain network interface to provide the message via an Internet protocol to the callee of the public switched telephone network call when an abnormality is detected in the public switched telephone network which prevents the public switched telephone network from routing the call beyond the switching center (Note: the limitation dependent on " routing the call beyond the switching center " is not taken into consideration as it was rejected above under 35 USC 112) (col. 57 ll. 32-col. 58 ll. 37; PSTN informing about the abnormality i.e. the status of callee device as un-functional col. 58 ll. 6-14; col. 51 ll. 11-41 user agent on a Internet network using Internet protocol to send instant message).

**Regarding claim 6**, Lamb teaches of the method, wherein the callee informs at least **one of** the public switched telephone network **or the Internet domain network interface** to provide the message to the callee in real time via an Internet protocol when the attempted call is intended for the telephone number of the callee (col. 59 ll. 3-col. 60 18 user informing where and how, he or she can be reached). Creamer teaches of Internet domain network interface (server 40) providing a message in real time via web (Internet) when attempted call is intended for the telephone number of the callee (col. 9 ll. 10-20, col. 12 ll. 50-col. 13 ll. 49)

**Regarding claim 7,** Lamb teaches of the method, wherein the message details at least **one of the telephone number trying to reach the callee (destination identifier), the caller identification of the telephone number trying to reach the callee (caller-id),** and the time of the attempted call (col. 34 ll. 1-23; col. 50 ll. 2-15). Creamer teaches of message including origins of calls (caller-id) (col. 15 ll. 6-16).

**Regarding claim 8,** Lamb teaches of the method, wherein the message is an Instant Message provided in real time (col. 51 ll. 11-41 sending Instant Message to the callee).

**Regarding claim 9,** Lamb teaches of the method, wherein the message is a text message (col. 51 ll. 11-41 sending Instant Message to the callee).

**Regarding claim 10,** Lamb teaches of the method, wherein the message is a text message (col. 51 ll. 11-41 sending email to the callee).

**Regarding claim 11,** Lamb teaches of a method of providing communication between a telephone caller and a callee of the telephone call, comprising:

linking a public switched telephone network with an Internet domain network via a service control point extension for the public switched telephone network and an SIP proxy server for an Internet domain network service provider (col. 27 ll. 61-col. 28 ll. 32 telecommunications network server as SCP; col. 42 ll. 57-col. 43 ll. 13 also using SIP);

detecting at a switching center of the public switched telephone network an attempted call within the public switched telephone network (col. 33 ll. 58-col. 34 ll. 13 phone switch detecting the call from the caller with destination identifier);

having the public switched telephone network inform the Internet domain network service provider (col. 34 ll. 4-13 message to telecommunication hosting server 203) to provide a message reporting details of the attempted call in real time to the callee of the public switched telephone network call via an Internet protocol (Figs 3-4; col. 34 ll. 13-23 to provide a message that reports details of the attempted call to the callee via the internet network col. 27 ll. 18-20 IP-based connectionless network interface to Internet 200 to a user agent col. 34 ll. 24-col. 35 ll. 40; col. 51 ll. 11-41 sending Instant Message to the callee) (Figs. 3-5, 7-8, 11-12 and their descriptions).

Lamb teaches of detecting the status of the callee by the phone switch (col. 33 ll. 33-37) but Lamb does not teach in detail about determining that the call can not be routed beyond the switch.

However, in the same field of communication, Creamer teaches of determining that the attempted call cannot be routed beyond the switching center (col. 13 ll. 26-29 callee online and hence can not route call from switching center to callee); and having the switched telephone network inform the telephone network/internet domain network interface to provide a message reporting details of the attempted call to the callee via the internet network (col. 13 ll. 44-49 providing indication via web, col. 9 ll. 14-25 through server 40 linking PSTN and Internet Fig. 3, also col. 10 ll. 5-18 unconditional messaging, col. 15 ll. 6-16 providing details) (col. 7 ll. 1-col. 10 ll. 20, col. 11 ll. 50-col. 13 ll. 49).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lamb to determine that the attempted call cannot be

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routed beyond the switching center and having the switched telephone network inform the telephone network/internet domain network interface to provide a message reporting details of the attempted call to the callee via the internet network as taught by Creamer in order " to provide telephone services in a non-standard context" (Creamer, col. 3 ll. 22) and "to make a computer user linked to a data network such as the web, through a home or office telephone line used for standard telephony, instantly aware of telephone call activity being directed to that line" (Creamer, col. 3 ll. 34-38).

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb and Creamer as applied to claim 4 above, and further in view of Adamczyk (US Patent No. 7,283,620 B2).

**Regarding claim 5,** Lamb teaches of the method wherein the telephone network/internet domain network interface provides the message via an Internet protocol to the callee of the public switched telephone network call.

Lamb and Creamer do not teach of providing this message to a caller-selected list of recipients.

However, in the same field of endeavor, Adamczyk teaches of a method wherein an instant message, for caller' voicemail for unanswered call to the callee, is provided to the caller specified list of recipients (col. 7 ll. 7-21, col. 7 ll. 59-col. 8 ll. 14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lamb and Creamer to provide instant message notifications to caller specified recipients as taught by Adamczyk "for originating and

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sending voice mail message to an instant messaging platform” (Adamczyk, col. 1, ll. 50-52) to inform multiple recipients simultaneously.

14. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auffret (US patent Application Publication No. 2003/0236924 A1), and further in view of Thompson (US Patent Application Publication No. 2004/0081311 A1).

**Regarding claim 14**, Auffret teaches of a method of providing communication between a telephone user and an Internet user, comprising:

linking a public switched telephone network with an Internet domain network via a service control point extension for the public switched telephone network and an SIP proxy server for an Internet domain network service provider (Paragraph 0011 linking PSTNNET with IPNET through TS and OSP using protocols between SSP and SCP, also using SIP protocol and proxies);

detecting a detection point within the public switched telephone network caused by a telephone of the telephone user, wherein the detection point indicates that the telephone user disconnected the telephone before the public switched telephone network is able to complete any call (Paragraph 0011 detecting a condition of Could-Not-Be-Reached, Release, No-answer etc. conditions indicating that the two-way call was not completed);

having the public switched telephone network inform the Internet domain network service provider to provide a message to the Internet user reporting the detection point of the telephone user via an Internet protocol (Paragraph 0011 TS of PSTN notifying

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signals to OSP in Internet to report it to conference controller or participants)  
(Paragraphs 0011-0013).

Auffret teaches of reporting conditions of Could-Not-Be-Reached, Release, No-answer (Paragraph 0011) but Auffret does not teach of condition of telephone user disconnecting before the public switched telephone network is able to complete any call.

However, in the same field of communication, Thompson teaches of facilitating communication by reporting, to the destination call center agent, the condition of user abandoning call before the user was connected to the destination (Paragraphs 0021-0035).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Auffret to provide notification of user abandoning call to the destination agent as taught by Thompson "In order to avoid the economic loss associated with abandoned calls" (Thompson, Paragraph 0022).

**Regarding claim 15**, Thompson teaches of reporting abandoned calls  
(Paragraphs 0032-0033).

15. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Betta (US Patent No. 7,035,260 B1), and further in view of Thompson.

**Regarding claim 14**, Betta teaches of a method of providing communication between a telephone user and an Internet user, comprising:

linking a public switched telephone network with an Internet domain network via a service control point extension for the public switched telephone network and an SIP

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proxy server for an Internet domain network service provider (col. 2 ll. 57-col. 4 ll. 11, col. 4 ll. 37-col. 5 ll. 36, col. 5 ll. 41-col. 7 ll. 4);

Betta teaches of reporting events between voice call server in PSTN and virtual call controller with SIP proxy in Internet but Betta does not specifically (col. 6 ll. 1-36, ll. 46-52, ll. 58-67, reporting to call center PC phone col. 6 ll. 22-24) but Betta does not specifically teach of detecting and reporting condition of telephone user disconnecting before the public switched telephone network is able to complete any call.

However, in the same field of communication, Thompson teaches of facilitating communication by reporting, to the destination call center agent, the condition of user abandoning call before the user was connected to the destination (Paragraphs 0021-0035).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Betta to provide notification of user abandoning call to the destination agent (call center PC phone) as taught by Thompson "In order to avoid the economic loss associated with abandoned calls" (Thompson, Paragraph 0022).

**Regarding claim 15**, Thompson teaches of reporting abandoned calls (Paragraphs 0032-0033).

### ***Allowable Subject Matter***

16. Claim 13 is objected to as being dependent upon a rejection under 35 USC 112 as above, but would be allowable if rewritten to overcome this rejection.

**Claim 13**, the prior art alone or in combination does not teach of

a) starting an IM agent for a caller on an Internet-capable device to express interest in providing outgoing call notifications of the caller to the callee or other designated phone lines;

b) having the IM agent register the preference of the caller with the telephone network to inform callees about an attempt by the caller to call the callee or any of the designated telephone lines

d) having the telephone network undertake appropriate actions to ensure that outgoing calls to the callee or designated telephone lines identified in step b) result in a notification action to the callee list when a telephone network service failure is detected within the telephone network and a voice-based communication cannot be delivered to the callee through the telephone network

e) executing the actions in Step d) when a telephone network service failure is detected within the telephone network including having the telephone network capture the incoming call information

h) displaying the message in Internet-capable devices of the callee, or of persons on the list of designated telephone lines, wherein the message through the Internet is the only message received by the callee or the persons on the list of designated telephone lines.

The above reasons for allowance are based on the claim as presently set forth in its totality. The above reasons for allowance should not be interpreted as indicating the amended claims broadly reciting certain limitations discussed in the above reasons for allowance would be allowable. A more detailed reasons for allowance may be set forth



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in a subsequent Notice of Allowance if and when all claims in the application are put into a condition for allowance.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,859,903	Lee
US Patent No. 6,671,366	Isotalo
US Patent No. 6,819,667	Brusilovsky

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEMANT PATEL whose telephone number is (571)272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel  
Examiner  
Art Unit 2614

/Hemant Patel/  
Examiner, Art Unit 2614  
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